IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.2032 of 2005
With
Civil Application No.764 of 2007

Smt. Laxmibai Krishnarao Yadav — Petitioner
Vs.
Western Maharashtra Trading &
Sales Pvt. Ltd. & anr. — Respondents

Mr.Mandar Limaye for petitioner.
Mr.Nilesh Patil h/f. Mrs.P.S.Patil for respondents.

CORAM: B.H.MARLAPALLE,J.

March 30, 2007.

P.C.

. Heard Mr.Limaye, the learned counsel for the petitioner. This petition under Article 227 of the Constitution arises from the order dated 2/11/2004 passed by the learned 1st Ad-hoc Addl. District Judge at Kolhapur allowing Regular Civil Appeal No.145 of 2000. The lower Appellate Court was pleased to set aside the decree passed in Regular Civil Suit No.787 of 1988 on 29/1/2000 and the suit was restored for re-trial. In addition the trial Court was directed to hear and decide the suit on remand within a period of six months from the receipt of R. & P.

. Mr.Limaye, the learned counsel for the petitioner has taken me though the various dates on which hearing in the suit was adjourned from 16/10/1999 till 14/1/2000 on which date Vakalatnama of another advocate was filed by the defendant no.1 and an application at Exhibit 55 was submitted seeking permission to cross-examine the witness. This application was rejected on 29/1/2000 and on the same date the suit was decreed. The lower Appellate Court recorded a finding that sufficient opportunity was not given to the defendants for contesting the suit. It does appear from the record that after granting four adjournments in favour of the defendants, the defendants' application for permission to cross-examine the plaintiff's witness was rejected and the said orders appears to be unjustified. Hence the lower Appellate Court stepped in and rightly so to set aside the decree. No interference is called for in the said order. It is also noted that the ad-interim stay granted by this Court on 4/5/2005 till 7/6/2005 was not continued thereafter. By that as it may, the view taken by the lower Appellate Court does not call for interference under the supervisory powers of this Court.

. Hence this petition fails and the same is hereby rejected summarily. If the trial of Regular Civil Suit No.787 of 1988 is still pending, it is directed that the said suit shall be heard and decided within a period of six months from the receipt of the writ from this Court.

. Civil application does not survive and the same stands dismissed.

. Writ to go forthwith.

(B.H